

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUMP MARKS REAL ESTATE LLC,

Plaintiff,

v.

Case No: 12-cv-06440-NRB

CAP CANA, S.A., RICARDO HAZOURY,
FERNANDO HAZOURY, ABRAHAM
HAZOURY, CATHERINE KURY HAZOURY,
GEORGE SPENCE, MICHEL RODRIGUEZ and
MICHELL VARGAS,

Defendants.
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**DECLARATION OF RICARDO HAZOURY IN SUPPORT
OF DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Pursuant to 28 U.S.C. § 1746, I, Ricardo Hazoury, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a defendant in the above-captioned action and have personal knowledge of the facts and circumstances set forth herein.

2. I submit this declaration in support of Defendants' Motion to Dismiss the Complaint filed by Trump Marks Real Estate LLC's ("Trump Marks").

Absence Of General Contacts With New York

3. I am a citizen and resident of the Dominican Republic. I am the President of the Board of Directors of Cap Cana, S.A. ("Cap Cana"). Cap Cana is a real estate development corporation organized under the laws of the Dominican Republic and has its principle place of business in Santo Domingo, Dominican Republic. Cap Cana specializes in the construction and management of commercial and residential real estate properties in the Dominican Republic.

Cap Cana does not have any offices, employees or registered agents in the State of New York.

In addition, Cap Cana does not have any bank accounts in the State of New York.

4. I have never resided in the State of New York.
5. I have never owned or leased any real or personal property of any kind in the State of New York.
6. I have never conducted business in the State of New York in my personal capacity. Specifically, I have never:
 - a. been employed in the State of New York;
 - b. maintained an office, place of business or mailing address in the State of New York;
 - c. employed anyone in the State of New York;
 - d. owned any company that is incorporated in the State of New York;
 - e. held any investments or assets in the State of New York;
 - f. solicited in my personal capacity any business in the State of New York;
 - g. served on the board of directors of any entity incorporated in the State of New York;
 - h. maintained any personal bank accounts or investment accounts of any type in the State of New York.
7. I have never owed or paid taxes in the State of New York.

Contacts With New York As A Cap Cana Director

8. On or about February 16, 2007, Trump Marks and Cap Cana entered into a license agreement (the "License Agreement") under which Cap Cana planned to market and sell certain real estate properties located near Punta Cana, Dominican Republic that were co-branded with Trump Marks.

9. As the President of Cap Can's Board of Directors, I have had approximately ten meetings with representatives of Trump Marks in New York City in connection with the License Agreement. I attended these meetings solely in my fiduciary capacity as a Cap Cana director.

10. In the Complaint, Trump Marks alleges that I and the other individual defendants caused Cap Cana to (i) be unable to pay certain licensing fees supposedly owed to Trump Marks by using the proceeds from the sale of certain properties in the Dominican Republic for our personal benefit, (ii) provide Trump Marks with false monthly sales reports, and (iii) cease to provide Trump Marks with monthly sales reports. Compl. ¶¶ 52-62. Without addressing the merits of these allegations, I note that the Complaint does not allege that I or any of the other individual defendants committed this purported wrongdoing while in New York.

11. As a non-party to the License Agreement, I have never agreed to be personally bound by any of the terms of the License Agreement, including the License Agreement's jurisdictional provision. Moreover, I have never otherwise consented to the exercise of jurisdiction over me by any federal or state courts located in the State of New York.

Executed on November 16, 2012



Ricardo Hazoury